

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****Patent Application**

I hereby certify that this transmittal of the below described documents is being deposited with the United States Postal Service in an envelope bearing Express Mail Postage and an Express Mail label, with the below serial number, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the below date of deposit.

Express Mail Label No.:	<b>EV291785006US</b>	Name of Person Making the Deposit:	<b>Anthony Chou</b>
Date of Deposit:	<b>08/21/03</b>	Signature of the Person Making the Deposit:	<i>Anthony Chou</i>

19704 U.S. PRO  
10/646453  
08/21/03

Inventor(s): **John Thomas WELDER, Ratheesh KRISHNAVADHYAR, Sudhir RAO, Thomas W. UBAN**

Title: **METHOD AND SYSTEM FOR MINIMAL DISRUPTION DURING SOFTWARE UPGRADE OR RELOAD OF A NETWORK DEVICE**

The Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
Sir:

Transmittal of a Patent Application  
(Under 37 CFR §1.53)

Transmitted herewith is the above identified patent application, including:

- ☒ Specification, claims and abstract, totaling 42 pages.  
 ..... Formal drawings, totaling ..... pages.  
☒ Informal drawings, totaling 6 pages.  
☒ Declaration and Power of Attorney.  
 ..... Information Disclosure statement.  
 ..... Form 1449  
☒ Assignment(s)  
☒ Assignment Recordation Form (duplicate)  
☒ Request and Certification under 35 U.S.C. 122(b)(2)(B)(i)  
 ..... Other: .....

**Amendments, Priority Claim**

**35 U.S.C. 119**

☐ Priority of application Serial Number ..... filed on .....  
 ..... in ..... is claimed under  
 35 U.S.C. 119.

☐ The certified copy has been filed in prior U.S. application Serial No. ....

☐ The certified copy will follow. ....

**35 U.S.C. 120, 121 and 365(c)**

"This application is a continuation of and claims the benefit of copending application(s)

☐ application number ..... filed on .....  
☐ International Application ..... filed on .....

and which designated in the U.S."

☐ Amend this specification by inserting, before the first line, the following sentence:

"This application claims priority to the copending application(s)

☐ Serial Number \_\_\_\_\_ filed on \_\_\_\_\_

which is hereby incorporated by reference to this specification

☐ International Application \_\_\_\_\_ filed on \_\_\_\_\_

which designated the U.S."

### FEES DUE

The fees due for filing the specification pursuant to 37 C.F.R. § 1.16 and for recording of the Assignment, if any, are determined as follows:

CLAIMS					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEES
Basic Application Fee					\$750.00
Total Claims	44	Minus 20=	24	X \$18 =	\$432.00
Independent Claims	5	Minus 3=	2	X \$84=	\$168.00
If multiple dependent claims are presented, add \$260.00					
Add Assignment Recording Fee of \$40.00 If Assignment document is enclosed					\$040.00
<b>TOTAL APPLICATION FEE DUE</b>					<b>\$1390.00</b>

### PAYMENT OF FEES

The full fee due in connection with this communication is provided as follows:

1. Not enclosed

[ ] No filing fee is to be paid at this time.

2. Enclosed

[ X ] Filing fee

[ X ] Recording assignment

[ X ] The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No.: 23-0085. A duplicate copy of this authorization is enclosed.

[ X ] A check in the amount of \$1390.00

☐ Charge any fees required or credit any overpayments associated with this filing to Deposit Account No.: 23-0085.

This application is filed pursuant to 37 C.F.R. § 1.53 in the name of the above-identified Inventor(s).

Please direct all correspondence concerning the above-identified application to the following address:

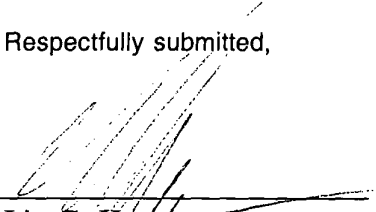
**WAGNER, MURABITO & HAO LLP**  
Two North Market Street, Third Floor  
San Jose, California 95113  
(408) 938-9060

☒ This transmittal ends with this page.

Respectfully submitted,

Date: August 21, 2003

By: \_\_\_\_\_

  
**Lin C. Hsu**  
**Reg. No. 46,315**

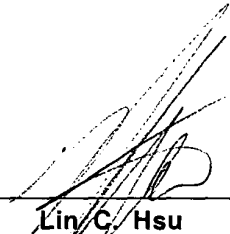
Inventor(s): **John Thomas WELDER, Ratheesh KRISHNAVADHYAR, Sudhir  
RAO, Thomas W. UBAN**

Title: **METHOD AND SYSTEM FOR MINIMAL DISRUPTION DURING  
SOFTWARE UPGRADE OR RELOAD OF A NETWORK DEVICE**

**REQUEST AND CERTIFICATION  
UNDER 35 U.S.C. 122(b)(2)(B)(i)**

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

Date: August 21, 2003

By:   
Lin C. Hsu  
Reg. No. 46,315

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**